

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
September 3, 2013  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Council Member Jeffrey M. Smith  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Gene Hayes, Beth Morris, Mike Sligar, Brian Phelps, Erin Gardner, Amy Pastuf, Chief Herman, Deputy Chief Randall

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Agreement for Services for Vision and Dental City Employee Plan, Relph Benefit Advisors
- Resolution No. 2 - Approving Empire State Development Incentive Proposal for \$500,000 for Waste Water Treatment Plant Disinfection Facility Project
- Resolution No. 3 - Accepting Bid for Court Street Bridge Joint Replacement Project, Vector Construction Corporation
- Resolution No. 4 - Authorizing Budget Modification Request No. 1 for FY 2011 Small Cities Community Development Block Grant
- Resolution No. 5 - Accepting Bid for Pool Covers for the Flynn and Alteri Pools, Schoolhouse Pools
- Tabled - Resolution Authorizing Application for NYS Division of Homeland Security and Emergency Services Grant, Fire Department
- Tabled - Ordinance Amending City Municipal Code § A320-4
- CDBG Public Hearings

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 19, 2013 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

**PROCLAMATION**

Mayor Graham interrupted the regular course of business to proclaim the month of September 2013 as National Recovery Month in Watertown and urged all residents to observe this month with appropriate programs, activities and ceremonies supporting this year's Recovery Month.

The proclamation was accepted by Anita Siegfried-Brown from the Alcohol and Substance Abuse Council of Jefferson County. She thanked Council stating that many people within the area struggle with addiction everyday and need the help from agencies such as Alcohol and Substance Abuse Council, Credo Community Center and Samaritan Medical Center.

## **PRESENTATION**

Mayor Graham introduced Margaret “Peggy” Coe as one of the pillars of the community for many years and congratulated her as this year’s Athena Award Recipient. Council recognized her with a City coin and key and declared her as an Honorary First Citizen of the City.

Mrs. Coe stated that she admires the way Council works and is proud of the City. She extended her complements to the Mayor, City Manager and Council Members.

## **COMMUNICATIONS**

A Notice of Summons was received regarding a property on Sherman Street.

**Above was placed on file in the office of the City Clerk.**

## **PRIVILEGE OF THE FLOOR**

**S.G. Gates**, 157 Dorsey Street addressed the chair concerning his efforts to bring a dog park to the City of Watertown. He recapped the history of his work towards this goal and expressed frustration in the lack of response from Council and the City. He mentioned an eight page letter that he sent to Council and the City Manager in March and said that he has not received a reply to it. He addressed reasons why a dog park will not work at the SPCA and noted that there has been a lot of support for a City Dog Park. He asked that Council listen to the needs of the people.

In regards to the grant for a truck for the Fire Department, Mr. Gates asked Council to support the Fire Chief.

**Troy Walts**, 380 Brainard Street told Council that his anti-fluoride group has been busy doing research and noted that recently Israel banned fluoride in their water and food supply. He said that there are more than 100 chemicals and elements in fluoride and that a lot of them are being discovered as radioactive isotopes. He asked the status of the advisory panel and wondered if this was still going to take place.

Mayor Graham recommended that he talked further with staff and said that Council was pleased with the two fluoride presentations. He mentioned that Mr. Walts could contact individual council members directly for their opinions.

**Sandra King**, 1398 Cosgrove Street spoke to Council about the importance of First Responders, EMS and Firefighters noting how crucial a grant can be for this department. She stressed that there is no cost to the City, therefore the City can only benefit from this grant. She asked that Council support the grant for the Fire Department.

## **RESOLUTIONS**

### **Resolution No. 1 - Approving Agreement for Services for Vision and Dental City Employee Plan, Relph Benefit Advisors**

#### **Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City of Watertown approved on May 20, 2013 to allow its employees to participate in a vision and dental insurance policy as an Employee Welfare Benefits Plan within the meaning of the ERISA, which benefit is be available to all City employees, and

WHEREAS in order to comply with the Employee Retirement Income Security Act, Relph Benefit Advisors will administer the COBRA plan on our behalf,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Services with Relph Benefit Advisors, attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

#### **Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Council Member Butler asked if the fees for this would be paid for by the participants of the plan.

Ms. Addison said that it would be paid for by the employee who has left employment and accepted Cobra coverage.

Council Member Smith asked who pays for the annual flat fee.

Ms. Addison said that she is not sure and referred the question to the City Comptroller.

Jim Mills, City Comptroller confirmed that the City will pay the \$250 annual flat fee.

Council Member Butler wondered if this flat fee could be disbursed among the employees receiving the benefit.

Council Member Smith pointed out that this benefit was originally presented at a “no cost” to the City and asked that if the City participates in a monetary sense then does this now become a defined benefit which would need to be negotiated.

Attorney Slye explained that the City needed to be the plan sponsor and this agreement hires someone to perform the services for a plan sponsor. Therefore, he noted that the purpose for Relph Benefit Advisors is so that the City is in compliance with all the laws. He said that this is an entirely volunteer plan and is not part of the negotiated healthcare plan.

Council Member Butler again asked if the \$25 per participant fee is paid by the participant. He suggested tabling this resolution until this could be researched more.

**Motion was made by Council Member Joseph M. Butler, Jr. to table the foregoing resolution. Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.**

**Resolution No. 2 - Approving Empire State Development Incentive Proposal for \$500,000 for Waste Water Treatment Plant Disinfection Facility Project**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City of Watertown owns and operates a Waste Water Treatment Plant located at 700 William T. Field Drive, Watertown, NY 13601, and

WHEREAS in February, 2011 the City learned that the new State Pollution Discharge Elimination System (SPDES) permit for the Waste Water Treatment Plant contained new language requiring the installation of a disinfection system at the Plant's outfalls, and

WHEREAS on November 7, 2011, the City Council of the City of Watertown approved a Professional Services Agreement with Stearns and Wheler GHD, to perform the preliminary design, final design and construction administration services related to said disinfection facility project, and

WHEREAS the project has been bid and the total cost of the project is awarded at \$5,037,536 and will be financed through the issuance of a ten-year serial bond by the City of Watertown, and

WHEREAS on May 20, 2013 City Council approved submission to the North Country Regional Development Council for a grant to help fund this project and was subsequently approved, and

WHEREAS in connection with that funding opportunity the Empire State Development office has requested that we sign the Incentive Proposal,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Incentive Proposal to receive \$500,000 to proceed with the disinfection facility project, a copy of which is attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to file said Incentive Proposal on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 3 - Accepting Bid for Court Street Bridge Joint Replacement Project, Vector Construction Corporation**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the Court Street Bridge Joint Replacement Project, per our specifications, and

WHEREAS invitations to bid were issued to Northern New York and Syracuse Builders Exchanges, the Dodge Reports and The New York Contract Reporter, with seven (7) sets of bid specifications and plans requested by area contractors with (2) sealed bids received and publicly opened and read in the City Purchasing Department on Thursday, August 15, 2013, at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with Engineering Department, and it is their recommendation that the City Council accept the bid submitted by Vector Construction Corporation,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Vector Construction Corporation as the lowest qualifying bidder for the Court Street Bridge Joint Replacement Project, per our specifications, in the amount of \$47,500.  
**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 4 - Authorizing Budget Modification Request No. 1 for FY 2011 Small Cities Community Development Block Grant**

**Introduced by Council Member Joseph M. Butler, Jr.**

WHEREAS the Grant Agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the City of Watertown's FY 2011 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a budget modification must be approved by the Office of Community Renewal if the budget amounts are to be altered, and

WHEREAS to allow the shifting of funds from Multi-Unit Rehabilitation and Grant Administration to Multi-Unit Program Delivery as shown on Form 7-1, which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the proposed Budget Modification No. 1 request for the FY 2011 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the budget modification form on behalf of the City.

**Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.**

**Resolution No. 5 - Accepting Bid for Pool Covers for the Flynn and Alteri Pools, Schoolhouse Pools**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City Purchasing Department has advertised and received sealed bids for pool covers for the Alteri and Flynn Pools, and

WHEREAS nine (9) sets of bid specifications were requested by pool distributors with three (3) sealed bids received and publicly opened and read in the City Purchasing Department on Wednesday, August 28, 2013, at 11:00 a.m., and

WHEREAS the Parks and Recreation Department and City Purchasing Manager Amy M. Pastuf reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Schoolhouse Pools,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Schoolhouse Pools as the lowest qualifying bidder for pool covers for the Alteri and Flynn pools, in the amount of \$23,500.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

## **OLD BUSINESS**

**The Resolution “Authorizing Application for NYS Division of Homeland Security and Emergency Services Grant, Fire Department”.** *(Introduced on 8/19/2013; tabled at that time; appears in its entirety in the 2013 Minutes Book on page 8 of the 8/19/2013 minutes).*

**Motion was made by Council Member Joseph M. Butler, Jr. to take from the table the foregoing resolution. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

In response to Council Member Smith’s inquiry, Chief Herman explained the large trailer needing to be towed by a new truck funded through this grant calling it Technical Rescue 1 Trailer. He said that this trailer was purchased in 2006, weighs close to 15,000 pounds and houses a majority of their technical rescue equipment. He pointed out that the Ford 350 that is currently used only has a towing capacity of 12,000 pounds.

Council Member Smith questioned the safety of this and asked why it has taken six years to ask for a new towing vehicle.

Chief Herman responded that prior requests for a vehicle have been denied by Council.

Council Member Smith argued that every fire fighting apparatus vehicle as well as infrared cameras, turnout gear and equipment needed to operate the primary function of fire fighting in this City has not been denied. He added that extra plow trucks for this department may have been denied but Council has not denied vehicles that are needed to meet the primary mission of the City taxpayers.

Council Member Burns asked for clarification on the current vehicle used for towing and the trailers that are towed.

Chief Herman replied that the current towing truck is a Ford F350 1 ton truck with a two person seating capacity and was purchased in 2008. He explained that the department has a Technical Rescue 1 Trailer, a Technical Rescue 2 Trailer, a Water Rescue Trailer, and a Fire Prevention Safety Trailer. Of the trailers, the Technical Rescue 1 Trailer cannot be towed adequately with the current truck and Chief Herman described a time in which he had difficulty towing this trailer up and down the hill to Thompson Park. He indicated that since then he has tried to move some of the equipment off this trailer.

Council Member Macaluso said that she does not have any issue supporting this because eventually the current truck will die and need to be replaced. She said that she would rather that it be paid for with a grant then with tax payer's dollars. She also pointed out that NYS will reject the grant application if it is not a feasible request.

In regards to the new truck being a backup for the Heavy Rescue Truck, Council Member Butler asked how often the Heavy Rescue Truck is out of service for repairs and maintenance.

Chief Herman described a situation in which it was out of service for three weeks for a radiator hose and said that in the last four years, the DPW charges and cost of parts from third party vendors for this vehicle has been \$41,600. He advised that the new truck is not an equivalent backup but will work during the periods of time in which the Heavy Rescue Truck is not available.

Council Member Butler indicated that he will support applying for this grant due to the secondary use of the new truck and knowing that eventually the current tow truck will need to be replaced.

Chief Herman explained the current back up process for the Heavy Rescue Truck for Council Member Smith.

Council Member Smith asked for an explanation of situations that would use Technical Rescue 1 Trailer.

Chief Herman answered that it is used for "Defined Space Rescue", "Trench Rescue" and "Structural Building Collapse Rescue". He further explained that this has been used in the City four times and at Fort Drum once. He said that it has been transported to two different training sites within the City as well. He stressed that the new truck would not just be used to tow this trailer and said that it could be used for whatever is necessary for the City.

Mayor Graham mentioned that he will support this grant application but said that it needs to be looked at in context of questioning the ability to pay for certain emergency services. He said that this Council periodically discusses the sustainability of an 85 member, \$9 million department and whether there could be some other configuration. He stressed that there may need to be some tough decisions made especially in areas where there is duplication of services within the county.

Council Member Butler agreed with the Mayor regarding sustainability and reminded Council of the increasing pension contribution rates.

Council Member Burns pointed out that grant money is not free money and mentioned that this vehicle will have maintenance cost and storage issues. She commented that they are at the point that they are heavy in equipment and accessories.

Council Member Smith remarked that a growing fleet comes at a cost especially if it is for regional mutual aid because when responding regionally, the City must backfill with overtime.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Roxanne M. Burns and Council Member Jeffrey M. Smith voting nay.**

**The Ordinance “Amending City Municipal Code § A320-4”. (Introduced on 8/19/2013; tabled at that time; appears in its entirety in the 2013 Minutes Book on page 11-12 of the 8/19/13 minutes).**

**Motion was made by Council Member Joseph M. Butler, Jr. to take from the table the foregoing ordinance. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

Mayor Graham explained that many of his questions were answered by speaking directly to Superintendent Gardner.

Council Member Butler commented that the targeted vendors are small and that \$50 seems like a lot of money for these small business owners.

Council Member Macaluso said the vendor needs to make the decision of whether to pay the fee based on the amount of potential revenue.

In comparison to the \$50 annual fee for vending in public streets, Council Member Butler stated that the \$50 per event fee is inconsistent since they are similar vendors.

Council Member Smith asked how much the Chamber of Commerce charges for the Farmer’s Market. He also mentioned that this was to be discussed further at the next work session.

**Motion was made by Council Member Jeffrey M. Smith to table the foregoing ordinance. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

## **STAFF REPORTS**

### **CDBG Public Hearings**

A report regarding the need for upcoming public hearings regarding CDBG was available for Council’s review.

**Motion was made by Council Member Roxanne M. Burns to schedule a Public Hearing regarding CDBG on Monday, September 16<sup>th</sup> and Monday, October 7<sup>th</sup> at 7:30 p.m. Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.**

## **NEW BUSINESS**

### **Berow and Monroe Building, 138 Court Street**

Council Member Butler asked for a status update on this.

Attorney Slye indicated that Attorney Burrows has talked to Attorney Capone on three different occasions but he is not sure of the status.



### **MPO**

Council Member Butler questioned the status of this.

Ms. Addison replied that she has tried to speak to Bob Hagemann several times to ensure that the County is on the same page as the City. She said that there has not been any further movement from the Commissioner on this.

### **Barben Avenue Paving**

Council Member Butler said that he has received a lot of complements from the residents in this area and the curbing looks nice.

Council Member Smith agreed and said that the curbing machine is probably one of the best investments that the City has made.

### **Chestnut Street**

Council Member Smith commented that the curbing on Chestnut Street is a problem that the City created when that area was dug up. He said that it should be addressed to correct the water from collecting at the intersection of Chestnut and Holcomb Streets.

### **Barben Avenue Sewer / Houses on Septic System**

Council Member Smith referred to a resident on Barben Avenue with a failing septic system and said that this resident would like to connect to the City's sewer system but there is not a sewer main on this section of the street. He advised that the solution of connecting to the Marra Drive sewer is not feasible because it would cross someone else's property.

Kurt Hauk, City Engineer stated there are three to four properties that are not on the City's sewer system of which one is a vacant lot. He noted that every property owner would need to agree to connect to it and pay for their own connection needs. He said that he will put a report together regarding this.

### **Hockey Team**

Mayor Graham reported that the hockey team had signed its contract and the new coach will be the point person.

### **Arena Improvements**

Mayor Graham mentioned a report for the proposed improvements to the arena and hoped to have that by the end of the year from the consultant.

### **City Council Elections**

Mayor Graham advised that there was a mistake on the primary ballot because it asked voters to vote for four candidates. He said that he spoke to the Board of Elections and the ballots will need to be changed by next Tuesday.

### **Maggie's Deck**

Mayor Graham informed Council that Maggie's owner received acknowledgment from the SLA that they need paperwork to codify the access that Maggie's will have to the deck. He noted that nothing has been received from NYS yet granting this access.

**City Attorney**

Mayor Graham asked that any third parties calling the City Attorney be advised that they are not the attorney's client to avoid additional charges to the City.

**Thompson Park Pavilion**

In regards to a dedication ceremony, Mayor Graham suggested Saturday, September 28<sup>th</sup> at 9:00 a.m.

**Events related to the Paranormal**

Mayor Graham mentioned that he has been working on a surprise initiative with the City Manager and the Recreation Department. He said that he thinks people will find it very interesting but will make a more formal announcement in the coming weeks.

**Motion was made by Council Member Teresa R. Macaluso to move into Executive Session to discuss collective bargaining and the employment history of a particular individual.**

**Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.**

Council moved into Executive Session at 8:07 p.m.

Council reconvened at 8:29 p.m.

**ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:29 p.m. by motion of Council Member Teresa R. Macaluso, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.**

**Ann M. Saunders**

City Clerk